

REMARKS

The Office Action dated October 31, 2007, has been received and carefully considered. Claims 1-4, 7-18, and 20 are pending in the application. Claims 1-4, 7-18, and 20 are rejected. Claims 5, 6, and 19 are cancelled without prejudice or disclaimer. Claims 1, 17, and 20 are amended to variously include limitations previously recited in claim 5, 6, and 19, respectively. No new matter has been added. Reconsideration of the outstanding rejections is respectfully requested.

A. **Claims 1-5 7, 14, 17-18, & 20 Rejected under 35 U.S.C. 102(b)**

Claims 1-5, 7, 14, 17-18, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Application 2002/0165728 to Buckenmayer ("Buckenmayer"). This rejection is traversed.

Regarding independent claim 1, claim 1 is amended to include limitations from dependent claims 5 and 6. Claim 5, as recited above, stands rejected under 35 U.S.C. § 102(b) as being anticipated by Buckenmayer. Claim 6, as recited below, stands rejected under 35 U.S.C. § 103(a), as being unpatentable over Buckenmayer in view of Leadtrack.com ("Leadtrack"). The amendments to claim 1 render the anticipation rejection moot. Thus, this traversal addresses the anticipation argument against claim 5 and the obviousness argument asserted against claim 6. The applied art does not teach or suggest "A method for managing sales leads in a sales lead system, the method comprising: an agent working a sales lead; obtaining disposition information regarding the sales lead, the disposition information representing a disposition of the sales leads; transmitting the disposition information to a lead processing portion, wherein the disposition information relates to one of interaction between the sales agent and a person from who the sales lead was received and a non-action of the sales agent; comparing the disposition information with associated disposition rules in the lead processing portion; and controlling the further processing of the sales lead based on a disposition rule selected as a result of the comparing" as recited in amended claim 1 of the present application. (Emphasis added).

Claim 1 is amended to include the limitations of claims 5 and 6. Regarding claim 5, the Office Action asserts that "Buckenmayer discloses providing the 'Lead source' (para. [0104])." *Office Action*, p. 3. Paragraph [0104] of Buckenmayer recites "Lead source (required, menu choice, free-form text also possible if clear and uniform abbreviations are used)." The lead source is one of the options or parameters on the lead entry screen. Claim 1 as amended includes

the limitation from now canceled claim 5, and recites “wherein the disposition information relates to at least one of interaction between the sales agent and a person from who the sales lead was received.” (Emphasis added). The asserted section of Buckenmayer discloses the lead entry screen having a lead source parameter and does not disclose any information relating to the interaction between the sales agent and the person from who the sales lead was received. Hence, Buckenmayer fails to disclose this element. The Office Action does not assert another reference for disclosing this limitation.

Claim 1, as amended, includes the limitation from now cancelled claim 6, and recites “the disposition information relates to … non-action of the sales agent.” The Office Action admits that Buckenmayer does not disclose this limitation. *Office Action*, p. 5. The Office Action asserts that Leadtrack teaches or suggests this limitation. Specifically, the Office Action recites “Leadtrack, however, ‘Overdue Lead Report’ on page 4 wherein leads for a territory under ‘Bill Johnson’ are past due without any activity.” *Office Action*, p. 5. Leadtrack does not teach or suggest that the information in the Overdue Lead Report is used as disposition information. Thus, neither Buckenmayer nor Leadtrack, singularly or in combination, teach or suggest, that the information in the Overdue Lead Report is disposition information, thus such information is not compared with associated disposition rules as recited in amended claim 1 of the present application. Therefore, the Office Action fails to establish a *prima facie* case of obviousness.

As recited in Section 2142 of the MPEP, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 2 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action fails to recited proper motivation to combine Buckenmayer and Leadtrack. As recited in the MPEP,

A statement that modifications of the prior art to meet the claimed invention would have been “well within the ordinary skill in the art at the time of the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not

sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPD2d 1300 (Bd. Pat. App. & Inter. 1993). ***">[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" *KSR*, 550 U.S. at __, 82 USPQ2d at 1396 quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (ed. Cir. 2006).>

MPEP 2143.01 (emphasis in original). The Office Action's rationale is a "conclusory statement" - "it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have included tracking aging of leads without activity, as disclosed by Leadtrack in the system discussed by Buckenmayer, for the motivation of providing a method of evaluating sales agent productivity." *Office Action*, p. 5. As recited above, obviousness "cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." The Office Action simply asserts a conclusory statement without rational underpinning to support the legal conclusion of obviousness. Given that Buckenmayer does not track aging of leads without activity, there is no reason or motivation to modify Buckenmayer to include such a searchable attribute. The alleged rational underpinning is based on improper hindsight. Simplicity and hindsight are not proper criteria for resolving obviousness. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Thus, the Office Action fails to provide a *prima facie* case of obviousness with respect to amended claim 1 of the present application.

For at least these reasons, independent claim 1, as well as dependent claims 2-4 and 7-16, are patentable over the applied art. Since independent claim 17 and 20 contain similar limitation as recited in claim 1, these claims are patentable over the applied art as well. Since claim 18 depends on allowable claim 17, claim 18 is patentable as well. Withdrawal of the rejection of claims 1-4, 7, 14, 17-18, and 20 is requested.

Claims 6, 8-10, & 19 Rejected under 35 U.S.C. 103(a)

Claims 6, 8-10, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer in view of Leadtrack.com ("Leadtrack"). This rejection is traversed. Claims 6 and 19 have been cancelled and incorporated into independent claims 1 and 17, respectively. The patentability of the limitations of cancelled claims 6 and 19 are argued above with respect to claims 1 and 17, respectively. As a result, the rejection of claims 6 and 19 are moot in view of the claim amendments.

Regarding claim 8, the applied art does not teach or suggest “the particular attributes include an amount of time that a particular sales lead has aged subsequent to the particular sales lead being assigned to an agent, with no disposition being performed upon the particular sales lead.” As admitted in the Office Action, Buckenmayer does not disclose the limitations of claim 8. *Office Action*, p. 5. The Office Action asserts that Leadtrack discloses these limitations. Specifically, the Office Action asserts that “Leadtrack, however, ‘Overdue Lead Report’ on page 4 wherein leads for a territory under ‘Bill Johnson’ are past due without any activity.” *Office Action*, p. 5. Again, Leadtrack discloses an Overdue Lead Report but does not teach or suggest that “no disposition being performed upon the particular sales lead” as a searchable attribute.

Moreover, the Office Action simply cites that “it would have obvious to one of ordinary skill in the art at the time of the invention was made to have included tracking aging of leads without activity, as disclosed by Leadtrack in the system disclosed by Buckenmayer, for the motivation of providing a method of evaluating sales agent productivity.” *Office Action*, p. 5. As recited above, obviousness “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” The Office Action simply asserts a conclusory statement without rational underpinning to support the legal conclusion of obviousness. Given that Buckenmayer does not track aging of leads without activity, there is no reason or motivation to modify Buckenmayer to include such a searchable attribute. The alleged rational underpinning is based on improper hindsight. Simplicity and hindsight are not proper criteria for resolving obviousness. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Thus, the Office Action fails to establish a *prima facie* case of obviousness with respect to claim 8.

Regarding claims 9 and 10, since these claims are dependent on allowable independent claim 1, and since Leadtrack does not cure the deficiencies of Buckenmayer with respect to claim 1, dependent claims 9 and 10 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 6, 8-10, and 19 is requested.

C. **Claims 11, 13, 15, & 16 Rejected under 35 U.S.C. 103(a)**

Claims 11, 13, 15, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer in view of U.S. Patent 7,047,206 to Schultze (“Schultze”). This rejection is traversed.

Regarding claim 13, the applied art does not teach or disclose a method including “forwarding the sales lead for auto-assignment processing, the periodically checking being performed by the auto-assignment processing” as recited in claim 11 of the present application. The Office Action asserts that “Buckenmayer discloses auto-assigning the sales lead. (para. [0131]).” *Office Action*, p. 7. “The sales lead” being referred to in claim 13 is the same “sales lead” that is placed into a sleep state in claim 11. Thus, after the expiration of the sleep state, the sales lead is then auto-assigned. By waiting until the expiration of the sleep state, the sales lead is being auto-assigned to a sales agent based on current information of each potential sales agent rather than being assigned to an agent who may not be available after the sleep state expires. The auto-assigning of sales leads disclosed in Buckenmayer do not make such a distinction. Thus, the applied art fails to teach or suggest each and every limitation recited in claim 13.

Regarding claim 16, the applied art does not teach or suggest “the agent associating a disposition to the sales lead indicating that the sales lead is to be reworked, the first agent not having worked the sales lead that is assigned to the sales agent; and controlling the further processing of the sales lead includes forwarding the sales lead to a second agent for working the sales lead without suppressing the sales lead” as recited in claim 16 of the present application. As admitted in the Office Action, Buckenmayer does not disclose these limitations. *Office Action*, p. 7. The Office Action asserts that “Schultze discloses a method for assigning and tracking leads in which a first agent is provided a limited time that the lead is ‘available exclusively’. ‘The reseller must contact the lead before the lead becomes available again to other resellers.’ (col. 2; lines 35-49).” *Office Action*, p. 7. Claim 16 does not require that the lead be contacted before the lead is re-assigned. Since claim 16 does not require this additional step, claim 16 is patentable over the applied art. Thus, the applied art does not teach or suggest each and every limitation of claim 16.

For at least these reasons claims 13 and 16 are patentable over the cited art. Regarding claims 11 and 15, since these claims are dependent on allowable independent claim 1, and since Schultze does not cure the deficiencies of Buckenmayer with respect to claim 1, dependent

claims 11 and 15 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 11, 13, 15, and 16 is requested.

D. Rejection of Claim 12 under 35 U.S.C. 103(a)

Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Buckenmayer in view of Schultze in view of Official Notice. Since claim 12 is dependent on allowable independent claim 1, and since Schultze and/or the Office Notice do not cure the deficiencies of Buckenmayer with respect to claim 1, dependent claim 12 is allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claim 12 is requested.

E. Provisional Double Patenting Rejection

Claims 1-4, 7-18, and 20 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of Application No. 10/602,592, claims 1-20 of Application No. 10/602,594, claims 1-25 of Application No. 10/602,707 and claims 1-29 of Application No. 10/602,923,

The undersigned representative acknowledges this rejection and will submit a terminal disclaimer when the present claims are in condition for allowance, if deemed necessary at that time.

CONCLUSION

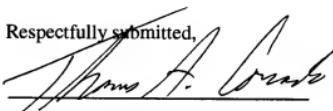
The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed October 31, 2007, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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